



US EPA RECORDS CENTER REGION 5



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
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SEP 29 1994

Valentin
Div #411
J.I.
9/29/94

REPLY TO THE ATTENTION OF:

R-19J

Honorable John D. Dingell
House of Representatives
Washington, D.C. 20515-2216

Dear Mr. Dingell:

Thank you for your letter of August 29, 1994. As you requested, I have enclosed a list of the comments the Region received concerning the issuance of a Toxic Substances Control Act (TSCA) approval for disposal of PCBs in Cell II of the Allen Park Clay Mine Landfill (APCML). Responses to these comments are still being developed and will be available at a later date.

In your communication, you listed seven concerns regarding the Ford Motor Company (FMC) TSCA Permit. I will address these concerns one by one:

1. I believe the United States Environmental Protection Agency (U.S. EPA) may issue a TSCA approval without first securing a State of Michigan Act 64 modification but the holder of the approval must remain in compliance with all other appropriate requirements. I understand Michigan Act 64 does not regulate PCBs and that leachate from Act 64 cells is regulated as newly generated waste under Michigan laws. Therefore neither the PCB waste nor the leachate is subject to the existing APCML Hazardous Waste Disposal Permit so it appears that no Act 64 permit modification is necessary to dispose of PCBs.
2. Although there are several known PCB Superfund sites in southeast Michigan, the Potentially Responsible Parties are not presently planning on using the APCML for disposal purposes. If APCML receives a TSCA approval, some of these sites will be eligible for land disposal at APCML. However, my approval, if it is issued, will not grant FMC unrestricted disposal rights.



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The proposed FMC TSCA approval only covers Cell II not the whole site. Moreover, the APCML site is completely developed so construction of new cells will require reuse of existing closed cells. Although TSCA regulated material from outside of Michigan may be disposed of at APCML, there are site-specific disposal restrictions that are included in the proposed approval as follows:

- a. The proposed TSCA approval will only allow for disposal of 650,000 cubic yards of PCB waste in Cell II,
 - b. Cell II use is restricted to public cleanup projects where FMC plants and facilities, its subsidiaries and affiliates are potentially responsible parties,
 - c. Cell II use is restricted to those cleanups in the Great Lakes states (Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York and Wisconsin). Subject to international free trade agreements that supercede TSCA, the Province of Ontario will be granted access to Cell II.
3. The Detroit Water and Sewer Department (DWSD) has raised two issues regarding the PCB landfill. These issues are critical because TSCA specifically regulates leachate disposal at disposal sites. One issue concerns possible contamination of a drinking water main outside the front gate of the landfill and the other concerns acceptance of leachate as wastewater from a potential PCB source. U.S. EPA does not believe leachate from Cell II can contaminate DWSD's drinking water mains. DWSD has never provided a technical basis for their concerns but U.S. EPA's position is based on the fact that there are many surface and subsurface barriers between the DWSD drinking water mains and Cell II including culverts, berms, surface drainages, hydrologic distance, permeability barriers, water main pressures, and roadway inspection-maintenance practices.

The potential PCB leachate/waste water acceptance issue remaining appears to be related the DWSD's efforts to maintain its National Pollutant Discharge Elimination System (NPDES) Publically Owned Treatment Works (POTW) municipal permit. I understand that DWSD and FMC disagree over whether an existing Consent Decree specifying numerical PCB wastewater discharge allowances for APCML still covers the proposed new PCB disposal activities at Cell II of APCML.

Although Michigan Department of Natural Resources (MDNR) supports use of the landfill and DWSD's needs to review FMC's proposal, DWSD is generally opposed to accepting discharges from a known PCB site. Under its NPDES permit, DWSD faces a required PCB/Mercury Minimization Program with very stringent proposed final numerical discharge allowances at the twenty part per quadrillion level. These numbers are being used to support DWSD's reluctance to accept FMC's Cell II leachate. So, for various reasons especially in light of local opposition to DWSD's own NPDES permit discharge problems, use of APCML will be delayed. I will not issue an approval until all leachate-disposal issues are resolved.

Regarding possible use of APCML for PCB disposal, there are many precautions that have been taken to ensure that contamination will not occur. These include favorable hydrogeological siting, use of two double thick synthetic liners, extra thick clay liners, compound leachate collection systems, groundwater monitoring, scheduled site monitoring, inspections and reporting, waste manifesting, closure and perpetual care. I support the use of special precautions to ensure that the site will not be a potential PCB source. FMC has been asked to follow leachate minimization and PCB reduction practices. U.S. EPA has included in the proposed approval specialized conditions such as waste dewatering, use of a compressive liquid release test, use of chemisorptive daily cover material, carbon filtration of leachate coupled with batch testing and discharge of leachate upon compliance with existing numerical criteria. Under the TSCA program, U.S. EPA suggested that FMC demonstrate to DWSD that Cell II is not a potential PCB source and do some worst case modelling to test the practicality of several proposed numerical criteria.

4. The U.S. EPA will follow Superfund procedures to analyze and propose a removal action for the Ford Outfall Project. Once an option is proposed as the preferred remedy, the following occurs:
 - a) a public notice is issued,
 - b) a 30 day public comment period is held,
 - c) public meetings are held to receive comments and discuss the proposed remedy, and
 - d) an administrative record containing all the supporting information used by U.S. EPA during the decision making process is made available to the public.

5. The U.S. EPA has examined all possible, practical, and feasible alternatives for the transport and disposal of the River Raisin PCBs. There is a summary of technologies and disposal options presented in the document titled "Summary Report of Field Activities, Analytical Results and Remedial Alternatives Ford Outfall Site River Raisin Sediments," dated August 6, 1993. The Engineering Evaluation/Cost Analysis (EE/CA) report for the Site contains seven cleanup options screened from the options considered in the August 6, 1993 document. These seven alternatives are evaluated against three major criteria as recommended in the U.S. EPA EE/CA guidance. The three criteria are: Effectiveness, Implementability, and Cost. Once U.S. EPA determines that a cleanup option is effective and implementable, cost is used as a balancing criterion. U.S. EPA determines if a remedy is cost effective based on benefits to human health and the environment versus the cost to implement the option. Cost estimates are obtained for each one of the cleanup options by contacting the operators of disposal facilities or the vendors of the proposed treatment technologies.
6. If the APCML Cell II TSCA approval is granted then FMC will accept a perpetual responsibility and cost for monitoring Cell II under TSCA for any possible groundwater contamination or air pollution. FMC is required to pass an annual financial test in order to support this trust.
7. If the U.S. EPA does not approve FMC's TSCA permit application, the Allen Park Clay Mine Landfill option will have to be screened out as a non-implementable option and the preferred option will have to be proposed from the remaining six presented in the EE/CA. Based on timing and dredging restrictions, the proposed remedy will not be able to be implemented until next summer.

As part of the Region 5 TSCA approval process, a comment period was held from April 10, 1994, through July 5, 1994 for TSCA related matters. During that period, we received comments and held a public meeting on May 5, 1994, in Melvindale, Michigan, at which additional comments were received. We have reviewed all the comments and enclose a list of them.

If you have any additional questions, please feel free to contact me.

Sincerely,

/s/ original signed by
Valdas V. Adamkus

Valdas V. Adamkus,
Regional Administrator

Enclosures